

## SENATE BILL NO. 144

INTRODUCED BY R. LAIBLE

BY REQUEST OF THE FIRE SUPPRESSION COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE AUTHORITY OF THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES FOR CONSTRUCTION TECHNIQUES IN AREAS THAT HAVE NATURAL OR HUMAN-CAUSED HAZARDS; REQUIRING THE RULES TO PROVIDE A LIST OF ITEMS FOR LOCAL GOVERNMENTS TO CONSIDER DURING THE REVIEW OF SUBDIVISIONS; AUTHORIZING THE DEPARTMENT TO ENFORCE THE RULES; AND AMENDING SECTIONS 50-60-901 AND 50-60-902, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 50-60-901, MCA, is amended to read:

**"50-60-901. Purpose -- rulemaking.** (1) The purpose of this part is to provide specific rulemaking authority to the department of labor and industry for the purposes of 76-3-504(1)(e).

(2) ~~By October 1, 2009, the~~ The department shall adopt rules identifying appropriate construction techniques that may be used by a local government in mitigation of identified fire hazards pursuant to 76-3-504(1)(e). In adopting rules pursuant to this section, the department may adopt the international wildland-urban interface code adopted by the international code council. The rules may include provisions for inspections by the department to ensure compliance with the rules. Rules adopted under this section may not be construed to be part of the state building code as provided in 50-60-203. The adoption, amendment, or repeal of a rule under this section is of significant public interest for the purposes of 2-3-103. The rules must provide a list of items for local governments to consider during the review of subdivisions that are within the area described in 76-3-504(1)(e)."

**Section 2.** Section 50-60-902, MCA, is amended to read:

**"50-60-902. Enforcement.** Rules promulgated under 50-60-901 may be enforced ~~only by the department~~ of labor and industry and as provided in Title 76, chapter 3, part 5. The powers and duties for enforcement provided in 76-3-501 apply to rules adopted under 50-60-901 and do not apply to or include any rules adopted under Title 50, chapter 60, parts 1 through 8."

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